

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
LAS VEGAS, NV**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**VS.**

**MICHAEL RODNEY REIGER**

**Defendant.**

**Case No. 2:14-CR-0380 APG-NJK**

## MINUTES

**Date: December 1, 2015**

**PRESENT:**

THE HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: EILEEN WOOD      COURT REPORTER: HEATHER NEWMAN

PRESENT FOR PLAINTIFF: JIAMIN CHEN, ANDREW DUNCAN, AGENT JAMES  
TOKOS

PRESENT FOR DEFENDANTS: REBECCA LEVY, SHARI KAUFMAN

## JURY TRIAL - DAY 1

Proceedings begin at 8:42 AM outside the presence of prospective jurors. Counsel and Mr. Reiger are present. The Court hears arguments regarding the Defendant's Motion in Limine #47. For reasons stated on the record, and the Court will not exclude the ammunition as evidence and will allow evidence regarding the burglary. The Court will exclude the testimony of Harry Pappas as irrelevant. Defendant requests a suppression hearing which the Court **DENIES**. Defendant requests the recorded 911 call be excluded which the Court takes under advisement and will hear the recording prior to its use. The Court discusses voir dire statements. Defendant waives his appearance at any side bar appearances.

9:35 AM - 44 prospective jurors enter and are sworn. The Court introduces the parties and gives a brief summary of the case. Voir dire begins. With jurors present, counsel exercise peremptory challenges.

Unselected jurors thanked and excused. Selected jury of 14 seated and sworn. The Court instructs the jury on their conduct and duties as jurors and the order of the trial proceedings. The Court excuses them at 12:30 PM with instructions to return at 1:45 PM. Court stands in recess.

Proceedings reconvene at 1:45 PM outside the presence of prospective jurors. Counsel and Mr. Reiger are present. Further discussion occurs regarding Motion in Limine #47 and a curative jury instruction regarding the burglary related issues. Ms. Kaufman renews her motion for a suppression hearing. Argument ensues. The Court recesses for 15 minutes at 2:08 PM.

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2:22 PM - Court reconvenes outside the presence of the jury. The Court will allow the Government to proffer. Officer Howard will take the stand and counsel will question him regarding his inventory search.

**OFFICER DAVID HOWARD, LVMPD** - called by the Government, is sworn and testifies, outside the presence of the jury, regarding his search of Mr. Reiger's vehicle. Direct examination by Ms. Chen, cross examination by Ms. Kaufman, re-direct by Ms. Chen, re-cross by Ms. Kaufman. The Court questions Officer Howard. Officer Howard is excused subject to recall.

Court **DENIES** Ms. Kaufman's request for a renewed suppression hearing.

Court **GRANTS** the exclusion of Exhibit 2j (photo of cell phone). The Government advises they will not be presenting the 911 call as evidence.

3:04 PM - Court stands in recess.

3:17 PM - Court reconvenes in the presence of the jury.

Opening Statements are presented by Mr. Duncan, on behalf of the Government, and Ms. Levy on behalf of the Defendant.

**OFFICER DAVID HOWARD, LVMPD** - called on behalf of Plaintiff, is sworn and testifies on direct examination by Ms. Chen. Government's Exhibits 1a, 2a, 2e, 2f, offered, marked and **ADMITTED**. Cross examination conducted by Ms. Levy. Defendant's Exhibits 502, 503, 501, 504 offered, marked and **ADMITTED**. Re-direct examination conducted by Ms. Chen and re-cross examination conducted by Ms. Levy. Witness is excused.

The Court admonishes the jury and proceedings recess at 4:45 PM.

Ms. Kaufman requests the Government be instructed to not bring up the matter of a search warrant during testimony concerning the inventory search. The Court asks that the Government not bring up the matter that a search warrant was obtained. The Court **DENIES** the Defendant's Motion for a Mistrial. Counsel to meet with the Court at 8:50 AM to address any matters that require attention prior to the jury.

**IT IS ORDERED that the jury trial is continued to Wednesday, December 2, 2015 at 9:00 AM.**

/s/ **Eileen Wood**  
**Deputy Clerk**